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-- REMARKS --

In the Non-Final Office Action, Examiner Perez rejected pending claims 1-10, 13-18, 20-23, 25, 27 and 28 on various grounds. The Applicant responds to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.112:

- A. Examiner Perez rejected claims 1, 4, 5, 13, 14, 20-22, 25, 27 and 28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,442,807 to *Takayama* in view of U.S. Patent No. 5,839,075 to *Haarstsen et al.*

The Applicant has considered Examiner Perez's remarks concerning the patentability of claims 1, 4, 5, 13, 14, 20-22, 25, 27 and 28 over *Takayama* in view of *Haarstsen*.

The Applicant has also thoroughly read *Takayama* and *Haarstsen*. To warrant this obviousness rejection of claims 1, 4, 5, 13, 14, 20-22, 25, 27 and 28, there must be some suggestion or motivation, either in the *Takayama* and *Haarstsen* or in the knowledge generally available to one of ordinary skill in the art, to modify *Takayama* in view of *Haarstsen* as proposed by Examiner Perez. *See*, MPEP §2143. The Applicant respectfully traverses this obviousness rejection of claims 1, 4, 5, 13, 14, 20-22, 25, 27 and 28, because *Takayama* teaches away from a mobile phone "selecting a second control channel of the carrier in response to the blocked signal, based on the signal strength" and "requesting service access on the second control channel of the carrier" as recited in independent claims 1, 13 and 20.

Specifically, *Takayama* teaches a mobile phone stores a cell identifier and field intensity value of surrounding cell sites (step 55 shown in FIG. 3), tunes to the control channel of the cell site with the highest intensity (step 59 shown in FIG. 3), and sends report data listing cell identifiers and field intensity values of surrounding cell sites to the tuned cell site in response to an outgoing call or an incoming call (step 62 shown in FIG. 3). *See*, *Takayama* at column 4, lines 10-34. *Takayama* further teaches the tuned cell site prioritizes the cell sites listed in the report data (step 74

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shown in FIG. 6), and attempts to find a cell site willing to grant a request from the mobile phone by sorting through the priority list until either a cell site is found to grant the request or none of the cell sites are free and therefore the mobile station gets a busy signal (steps 76-84 shown in FIG. 6). By teaching the tuned cell site will test all of the cell sites listed in the report data on behalf of the mobile phone, *Takayama* teaches away from mobile phone "selecting a second control channel of the carrier in response to the blocked signal, based on the signal strength" and "requesting service access on the second control channel of the carrier" as recited in independent claims 1, 13 and 20.

Withdrawal of the rejection of independent claims 1, 13 and 20 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Haarsten* is therefore respectfully requested.

Claims 4, 5 and 25 depend from independent claim 1. Therefore, dependent claims 4, 5 and 25 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 4, 5 and 25 are allowable over *Takayama* in view of *Haarsten* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Takayama* in view of *Haarsten*. Withdrawal of the rejection of dependent claims 4, 5 and 25 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Haarsten* is therefore respectfully requested.

Claims 14 and 27 depend from independent claim 13. Therefore, dependent claims 14 and 27 include all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claims 14 and 27 are allowable over *Takayama* in view of *Haarsten* for at least the same reason as set forth with respect to independent claim 13 being allowable over *Takayama* in view of *Haarsten*. Withdrawal of the rejection of dependent claims 14 and 27 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Haarsten* is therefore respectfully requested.

Claims 21, 22, and 28 depend from independent claim 20. Therefore, dependent claims 21, 22, and 28 include all of the elements and limitations of independent claim 20. It is therefore respectfully submitted by the Applicant that

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dependent claims 21, 22, and 28 are allowable over *Takayama* in view of *Haarstsen* for at least the same reason as set forth with respect to independent claim 20 being allowable over *Takayama* in view of *Haarstsen*. Withdrawal of the rejection of dependent claims 21, 22, and 28 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Haarstsen* is therefore respectfully requested.

- B. Examiner Perez rejected claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,442,807 to *Takayama* in view of U.S. Patent No. 6,553,229 to *Dent*

Claims 2 and 3 depend from independent claim 1. Therefore, dependent claims 2 and 3 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2 and 3 are allowable over *Takayama* in view of *Dent* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Takayama* in view of *Haarstsen*. Withdrawal of the rejection of dependent claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Dent* is therefore respectfully requested.

- C. Examiner Perez rejected claims 6, 7, 15 and 23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,442,807 to *Takayama* in view of U.S. Patent No. 6,073,005 to *Raith*

Claims 6 and 7 depend from independent claim 1. Therefore, dependent claims 6 and 7 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 6 and 7 are allowable over *Takayama* in view of *Raith* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Takayama* in view of *Haarstsen*. Withdrawal of the rejection of dependent claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Raith* is therefore respectfully requested.

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Claim 15 depends from independent claim 13. Therefore, dependent claim 15 includes all of the elements and limitations of independent claim 13. It is therefore respectfully submitted by the Applicant that dependent claim 15 is allowable over *Takayama* in view of *Raith* for at least the same reason as set forth with respect to independent claim 13 being allowable over *Takayama* in view of *Huurtsen*. Withdrawal of the rejection of dependent claim 15 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Raith* is therefore respectfully requested.

Claim 23 depends from independent claim 20. Therefore, dependent claim 23 includes all of the elements and limitations of independent claim 20. It is therefore respectfully submitted by the Applicant that dependent claim 23 is allowable over *Takayama* in view of *Raith* for at least the same reason as set forth with respect to independent claim 20 being allowable over *Takayama* in view of *Haarsten*. Withdrawal of the rejection of dependent claim 23 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Raith* is therefore respectfully requested.

- D. Examiner Perez rejected claims 8-10 and 16-18 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,442,807 to *Takayama* in view of U.S. Patent No. 6,073,005 to *Raith* et al. and in further view of U.S. Patent Application Publication No. US 2002/0137489 to *Dutta* et al.

Claims 8-10 depend from independent claim 1. Therefore, dependent claims 8-10 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 8-10 are allowable over *Takayama* in view of *Raith* and in further view of *Dutta* for at least the same reason as set forth with respect to independent claim 1 being allowable over *Takayama* in view of *Huurtsen*. Withdrawal of the rejection of dependent claims 8-10 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Raith* and in further view of *Dutta* is therefore respectfully requested.

Claims 16-18 depend from independent claim 13. Therefore, dependent claims 16-18 include all of the elements and limitations of independent claim 13. It is

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therefore respectfully submitted by the Applicant that dependent claims 16-18 are allowable over *Takayama* in view of *Ruith* and in further view of *Dutta* for at least the same reason as set forth with respect to independent claim 13 being allowable over *Takayama* in view of *Haurstsen*. Withdrawal of the rejection of dependent claims 16-18 under 35 U.S.C. §103(a) as being unpatentable over *Takayama* in view of *Ruith* and in further view of *Dutta* is therefore respectfully requested.

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**SUMMARY**

The Applicant respectfully submits that claims 1-28 as listed herein fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and passage to issue of the present application is respectfully requested. If any points remain at issue that may best be resolved through a personal or telephonic interview, Examiner Perez is respectfully requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,  
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